



June 2001

Organization, Structure, and Administration

The Need For Coordination

Nearly two dozen federal and state agencies have regulatory or management responsibility for some aspect of the Bay-Delta. This structure poses a challenge to the efficient management of the Bay-Delta's resources. Beginning in 1995, the CALFED program provided a forum in which the agencies could develop a single, comprehensive plan that would serve their common purposes. That plan is described in the August 2000 Record of Decision.

The CALFED program now serves as a forum through which the agencies coordinate their actions and evaluate their progress. Each agency implements those elements of the plan that helps it meet its statutory responsibilities, and for which it has legal authority and funding. By working from single plan, and by coordinating their actions through the program, the agencies are able to achieve their mutual goals more efficiently. The program also serves as a focal point for stakeholders, government officials and the general public to monitor the Bay-Delta and the collective effects of the agencies' actions.

Program Organization

The program is organized according to the terms of the CALFED Bay-Delta Program Implementation Memorandum of Understanding, which is Attachment 3 to the CALFED Record of Decision (http://calfed.ca.gov/adobe_pdf/rod/3.pdf). The Implementation MOU was signed by the CALFED Agencies on August 28, 2000. Presently, there are twenty-three CALFED Agencies, each of whom is a party to the Implementation MOU.

Under the Implementation MOU, each CALFED Agency is a member of the Policy Group. Policy Group oversees the program. Through the Policy Group, the agencies discuss and share priorities, workplans, and budgets to ensure that the program is implemented in a balanced, timely, and effective manner. The Policy Group reviews agency programs to determine whether they are consistent with the Record of Decision and makes recommendations to the agencies. Policy Group meetings are open to the public.

Due to the size and complexity of the program, the CALFED agencies have assigned a staff of agency employees to the program. The staff support the agencies' planning, coordination, monitoring, reporting and public outreach. Administratively, the program is divided by subject matter into program elements (e.g., Water Use Efficiency, Water Quality, Ecosystem Restoration). Each element is overseen by a program manager. The program managers and other staff are supervised by a program director.

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The agencies encourage public involvement in the Bay-Delta Program through advisory committees and work groups, public meetings, technical workshops, and newsletters and other publications. Further information is available at <http://calfed.ca.gov>.

The agencies have also assembled a CALFED Science Program. The Science Program assists the agencies by developing the science necessary to support the agencies. It also monitors and evaluates the agencies' progress toward their goals.

CALFED is Not an Agency

The CALFED Bay-Delta Program is a resource for the agencies. It is not itself an agency. The program exercises no authority over the agencies, nor can it require an agency to take any particular action. No CALFED agency has delegated its authority to another agency, or to the collective group of CALFED agencies. The program relies on the continuous, voluntary cooperation of each participating agency, exercising its own legal authority. The fundamental notion of the program is that the agencies can best meet their individual responsibilities by sharing information and cooperating with each other.

State Sovereignty is Preserved

The state's participation in the program does not subject it to federal law or waive its immunity to suit under the federal Constitution. When a state agency implements an element of the plan, it is a state action taken at the discretion of the state agency, pursuant to its existing authority under state law. Likewise, federal agencies act according to the discretion vested in them by Congress. Through the program, the federal and state agencies refine the long term plan, share information, coordinate their actions, and make recommendations to each other, but the agencies ultimately retain their discretion to make final decisions. In the future, the federal and state agencies may jointly implement specific projects, and the state and federal legislatures may create a joint, state-federal agency to oversee the program. Until that time, however, the state and federal governments shall maintain their distinct sovereign statuses.

Future Governance Legislation

To more effectively manage the Bay-Delta's resources in the future, the CALFED agencies will work with the State Legislature and Congress to develop legislation for a permanent federal-State commission to implement the program. In the meantime, they will continue to implement the program through the collaborative structure described in the Implementation MOU.